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WESTERN DISTRICT OF TEXAS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

UNITED STATES OF AMERICA v. ANTONIO AMADOR TORRALBA JORGE PEREZ	§	Cause No.: DR 14-CR-1769 **SUPERSEDING INDICTMENT** [Vio: COUNT ONE: 18 U.S.C. § 554(a) and 2, Smuggling Goods from the United States, Aiding and Abetting; COUNT TWO: 8 U.S.C. § 1326(a) & (b)(1)/(2) Illegal Re-entry into the United States; COUNT THREE: 18 U.S.C. §922(g)(5) & 924(a)(2): Alien in Possession of a Firearm; COUNT FOUR: 18 U.S.C. §922(g)(1) & §924(a)(2), Felon in Possession of a Firearm; COUNT FIVE: 18 U.S.C. § 554(a) and 2, Smuggling Goods from the United States, Aiding and Abetting.]

THE GRAND JURY CHARGES:

COUNT ONE
[18 U.S.C. § 554(a)]

On or about April 14, 2014 to December 17, 2014, in the Western District of Texas, the Defendants,

ANTONIO AMADOR TORRALBA,
JORGE PEREZ

did knowingly and unlawfully aid and abet the exportation or attempted exportation from the United States, any merchandise, article, or object, including but not limited to four (4) assault rifles, twenty nine (29) rounds of ammunitions, three (3) magazines, and one (1) rifle scope, which are defense articles as defined under Category I of the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Section 554(a) and 2.

COUNT TWO
[8 U.S.C. § 1326(a) & (b)(1)/(2)]

That on or about December 17, 2014, in the Western District of Texas, Defendant,

ANTONIO AMADOR TORRALBA,

an alien, attempted to enter, entered, and was found in the United States having previously been denied admission, excluded, deported and removed from the United States on or about March 3, 2005, and that the Defendant had not received the consent of the Attorney General of the United States and the Secretary of the Department of Homeland Security, to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a) and (b)(1)/(2).

COUNT THREE
[18 U.S.C. §922(g)(5)]

On or about April 14, 2014 to December 17, 2014, in the Western District of Texas, the Defendant,

ANTONIO AMADOR TORRALBA,

then being an alien illegally and unlawfully in the United States, did knowingly possess in and affecting commerce a firearm, namely a .45 caliber handgun, and a shotgun, in violation of Title 18, United States Code, Sections 922(g)(5).

COUNT FOUR
[18 U.S.C. §922(g)(1) & §924(a)(2)]

That on or about June 4, 2014, in the Western District of Texas, Defendant,

JORGE PEREZ,

having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: the Defendant was convicted of Possession of a Controlled Substance; did knowingly possess in and affecting commerce a firearm, Bushmaster .223-556 mm Model XM15-E25 s/n BFI486170, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FIVE
[18 U.S.C. § 554(a)]

On or about December 17, 2014, in the Western District of Texas, the Defendants,

JORGE PEREZ

did knowingly and unlawfully aid and abet the exportation or attempted exportation from the United States, any merchandise, article, or object, including but not limited to three (3) assault rifles, which are defense articles as defined under Category I of the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Section 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Parts 121, 123, & 127, all in violation of Title 18, United States Code, Section 554(a) and 2.

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
***See* Fed. R. Crim. P. 32.2**

I.
Smuggling Forfeiture Statutes and Violations
[Title 18 U.S.C. § 554(a), subject to forfeiture pursuant to Title 18 U.S.C. § 981(a)(1)(C) and Title 22 § U.S.C. 2778, subject to forfeiture pursuant to Title 22 § U.S.C. 401, both made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the foregoing criminal violations set forth in Counts One and Five, the United States of America gives notice to Defendants ANTONIO AMADOR TORRALBA and JORGE PEREZ of its intent to seek the forfeiture of the property described below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 981(a)(1)(C) (through Title 18 U.SC. § 1956(c)(7)) and Title 22 U.S.C. § 401(a), both made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which state:

Title 18 U.S.C. § 981. Civil forfeiture

(a)(1) The following property is subject to forfeiture to the United States:

(C) Any property, real or personal, which constitutes or is derived from proceeds traceable to . . . any offense constituting "specified unlawful activity" (as defined in section 1956(c)(7) of this title), or a conspiracy to commit such offense.

Title 22 U.S.C. § 401. Illegal exportation of war materials

(a) Seizure and forfeiture of materials and carriers.

Whenever an attempt is made to export . . . any arms or munitions of war or other articles in violation of law . . . any person duly authorized for the purpose by the President, may seize and detain such arms or munitions of war or other articles . . . All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited.

This Notice of Demand for Forfeiture includes but is not limited to the property described below.

II.

Firearms Forfeiture Statutes and Violations

[Title 18 U.S.C. §§ 922(g)(1) and (5) and 924(a)(2), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461]

As a result of the foregoing criminal violations as set forth in Counts Three and Four, the United States of America gives notice to Defendants ANTONIO AMADOR TORRALBA and JORGE PEREZ of its intent to seek the forfeiture of the property listed below upon conviction pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture pursuant to Title 28 U.S.C. § 2461, which states the following:

Title 18 U.S.C. § 924. Penalties

(d)(1) Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922, . . . or knowing violation of section 924 . . . shall be subject to seizure and forfeiture . . . under the provisions of this chapter . . . .

This Notice of Demand for Forfeiture includes but is not limited to the property described below.

III.
Properties

1. **Bushmaster, XM15-E25, .223 cal rifle, s/n BFI486170;**
2. **Bushmaster, Carbon 15, .223 cal rifle, s/n CBC053163;**
3. **New Frontier Armory, LW-15, .223 cal rifle, s/n NLV68300;**
4. **Windham Weaponry, WW-CF, .223 cal rifle, s/n CF005841;**
5. **Bushmaster, XM15-E2S, .223 cal rifle, s/n L187006;**
6. **DPMS A15, .223 cal rifle, s/n DNWC017419;**
7. **American Tactical Imports, Omni, .223 cal rifle, s/n AR41362** and
8. **Any related ammunition and firearms accessories.**

IV.
Money Judgment

Money Judgment: A sum of money equal to Six Thousand Five Hundred Dollars ($6,500.00) which represents the proceeds obtained from the violations listed in Count One and for which Defendants ANTONIO AMADOR TORRALBA and JORGE PEREZ are liable.

V.
Substitute Assets

If any of the money judgment described above as being subject to forfeiture for the violations set out above, as a result of any act or omission of Defendants ANTONIO AMADOR TORRALBA and JORGE PEREZ:

a. cannot be located upon the exercise of due diligence;
b. has been transferred or sold to, or deposited with, a third party;
c. has been placed beyond the jurisdiction of the court;
d. has been substantially diminished in value; or
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States of America to seek forfeiture of any other property, up to the value of said money judgment, as substitute assets pursuant to Title 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e)(1).

A TRUE BILL.

RICHARD L. DURBIN, JR.
Acting United States Attorney

By: ______________________
RALPH PARADISO
Assistant United States Attorney

SEALED:
UNSEALED: XX

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

COUNTY: MAVERICK USAO#: 2014R09198

DATE: MARCH 4, 2015 CRIM. #: DR14-CR-1769-01

AUSA: RALPH PARADISO

DEFENDANT: ANTONIO AMADOR TORRALBA

CITIZENSHIP: MEXICO

INTERPRETER NEEDED: YES LANGUAGE: SPANISH

DEFENSE ATTORNEY: BIANCA R. DEL RIO

ADDRESS OF ATTORNEY: 2205 VETERANS BLVD. STE. A-2, DEL RIO, TEXAS 78840

DEFENDANT IS: ARRESTED DATE OF ARREST: JANUARY 5, 2015

BENCH WARRANT NEEDED: NO

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: SUPERSEDING INDICTMENT

OFFENSE: (Code & Description): Count 1 - 18 U.S.C. § 554&2 - Smuggling Goods from the United States; Count 2 - 8 U.S.C. § 1326(a)(1) & (b)(1)/(2) - Illegal Reentry after Deportation; Count 3 - 18 U.S.C. §922(g)(5) & 924(a)(2) - Alien in Possession of a Firearm.

OFFENSE IS: FELONY

MAXIMUM SENTENCE: Counts 1 & 3 - 10 years imprisonment; a $250,000 fine; 3 years of supervised release; and a $100 special assessment; Count 2 - 20 years imprisonment; a $250,000 fine; 3 years of supervised release; and a $100 special assessment.

PENALTY IS MANDATORY: YES & NO

REMARKS: SEE ABOVE

W/DT-CR-3

SEALED:
UNSEALED: XX

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

COUNTY: MAVERICK USAO#: 2014R09198

DATE: MARCH 4, 2015 CRIM. #: DR14-CR-1769-02

AUSA: RALPH PARADISO

DEFENDANT: JORGE PEREZ

CITIZENSHIP: UNITED STATES

INTERPRETER NEEDED: NO LANGUAGE: ENGLISH

DEFENSE ATTORNEY: JOSEPH HERNANDEZ

ADDRESS OF ATTORNEY: 732 CULEBRA, SAN ANTONIO, TEXAS 78201

DEFENDANT IS: ARRESTED DATE OF ARREST: DECEMBER 17, 2014

BENCH WARRANT NEEDED: NO

PROBATION OFFICER: N/A

NAME AND ADDRESS OF SURETY: N/A

YOUTH CORRECTIONS ACT APPLICABLE: NO

PROSECUTION BY: SUPERSEDING INDICTMENT

OFFENSE: (Code & Description): Count 1 and 5- 18 U.S.C. § 554 & 2 - Smuggling Goods from the United States; Count 4 - 18 U.S.C. §922(g)(1) & §924(a)(2), Felon in Possession of Firearm.

OFFENSE IS: FELONY

MAXIMUM SENTENCE: Counts 1, 4 & 5 - 10 years imprisonment; a $250,000 fine; 3 years of supervised release; and a $100 special assessment.

PENALTY IS MANDATORY: YES & NO

REMARKS: SEE ABOVE

W/DT-CR-3